

# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated  5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No  6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**Supporting Statement for  
Paperwork Reduction Act Submission  
Report of Whaling Operations, OMB # 0648-0311**

**Section A. Justification:**

1. Explain why you need to conduct the collection of information:

The information to be submitted under this collection of information is necessary to comply with obligations under the International Convention for the Regulation of Whaling (1946). The Schedule of the Convention is binding on the United States and requires that this information be submitted for all whaling operations authorized by the International Whaling Commission (IWC), including the aboriginal subsistence whaling currently conducted by Alaska Eskimos and the Makah Tribe. The collection of this information is authorized by the Whaling Convention Act (16 U.S.C. 916 et seq.). Information on the retrieval and use of dead whales ("stinkers") is requested in order to have a record of all whales brought to shore and to ensure that whales killed under the IWC quotas are not claimed to have been found dead.

The required reports from whaling captains must include at least the following information:

- (1) The number, dates, and locations of each strike, attempted strike, or landing;
- (2) The length (taken as the straight-line measurement from the tip of the upper jaw to the notch between the tail flukes) and the sex of the whales landed;
- (3) The length and sex of a fetus, if present in a landed whale; and
- (4) An explanation of circumstances associated with the striking or attempted striking of any whale not landed.

Any person salvaging a stinker shall submit to the Assistant Administrator or his/her representative an oral or written report describing the circumstances of the salvage within 12 hours of such salvage.

The reports are to be submitted to the native American whaling commission, which then submits them to NMFS. There are two native American whaling commissions in operation. These are the Alaskan Eskimo Whaling Commission, which oversees whaling in the ten traditional whaling villages in Alaska, and the Makah Whaling Commission, which oversees whaling in Neah Bay, WA on the Makah reservation.

2. Explain how, by whom, how frequently, and for what purpose the information will be used:

The reports from the individual whaling captains are used on a daily basis during the whaling seasons by the relevant Native American Whaling Commission to monitor the hunt and ensure that quotas are not exceeded. In addition, the information is reported yearly to the IWC, which uses it to monitor compliance with its regulations. Biological information on the size and sex of the whale, length and sex of any fetus, etc. are used on an "as needed" basis by scientists and by the Scientific Committee of the IWC as part of an ongoing effort to monitor the recovery

of the harvested species (bowhead and gray whales) and to understand the population dynamics of both species.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology, and the basis for the decision for adopting this means of collection. Also describe any consideration given to the use of improved information technology to reduce the burden on the public:

Whaling captains may report catches by telephone or fax if they are available, but this is not required. The AEWC currently faxes summaries of whaling activities to NOAA on an occasional basis. The basis for adopting these means of collection are pragmatic--given the small number of reporting individuals, any available method for notifying the AEWC of catches is acceptable. Because of the remote villages in which whaling takes place, however, the use of new information technology to reduce the burden on the public would be effective only to the degree that it is available and affordable to subsistence hunters.

The Makah whaling operation is very small-scale (one whale killed so far). There are no limitations on how the information is to be submitted.

There is no form for this collection of information. Therefore, no form is available electronically.

4. Describe efforts to identify duplication with other collections which may be gathering the same or similar information:

NOAA is the agency responsible for managing whaling. Therefore, there is no other source of this information, and no other agency requires similar reports.

5. If the collection will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize the burden on them:

This collection of information has no impact on small businesses. Whaling is not a business. The meat from aboriginal subsistence whaling cannot be sold. Traditional native handicrafts from whale bone can be sold, but the reporting of whaling operations will have no effect on such sales.

The collection of information will affect some tribal governments. The Makah Tribal Council is involved in collecting information about Makah whaling. Although whaling itself has had a major impact on the Makah Tribal Council, because of the opposition of anti-whaling groups, this collection of information would not have a significant impact. So far, only one whale has been killed under by the Makah since the IWC approved its request for a quota in 1997.

The large majority of whalers belong to the Alaska Eskimo Whaling Commission, which has no legal status but to which the Eskimo whalers have given authority to regulate their

whaling. The reporting burden on the AEWC is considered insignificant. The time required to report is not great, and these entities would need to gather much of the information anyway in order to monitor quota compliance.

No other tribes have expressed an interest in whaling to the U.S. Government.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently:

If the information is not collected, the United States would be in violation of its obligations to the IWC. The most egregious violation could be exceeding the quota given to us by the IWC. The United States has been a strong advocate of a cautious approach to whaling, and has threatened trade sanctions against other nations that exceeded whaling quotas. Our position would be greatly weakened if we were in violation of the IWC provisions.

If the information were collected less frequently, quotas might be exceeded inadvertently.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines:

The collection of information would be inconsistent with the first two OMB guidelines for information collections (not requiring respondents to report information more often than quarterly, and not requiring respondents to prepare a written response in fewer than thirty days after they receive a request). The collection is otherwise consistent with the OMB guidelines. In order to ensure that the quota is not exceeded, whaling captains need to report to the Native American Whaling Commission as soon as a strike is made. The whaling seasons in Alaska are short, and in good years the small quotas given to each village can be filled within a few days.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments

The last formal consultation with the AEWC on reporting requirements was in the Spring of 1995, when the cooperative agreement was signed. The existing reporting format was devised by the AEWC and they are free to change the format.

NOAA consulted at length with the Makah Tribal Council and, through it, with the Makah Whaling Commission in 1998 about the reporting requirements. During 1998, the Makah Tribe developed and implemented its regulations for the management of whaling. It agreed to provide the information needed by the IWC and contained in this collection of information.

There is a great deal of informal contact between NOAA and both Native American Whaling Commissions in which any problems in reporting can be handled as they arise.

One comment from the public was received in response to NOAA's solicitation for public comments on the information collection. This comment was not germane to the solicitation, but rather commented on U.S. policy related to the Makah whale hunt in general.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees:

No payments or gifts to respondents is offered or considered.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy:

Confidentiality of the information provided cannot be assured. The summaries of the information are reported to the International Whaling Commission and are a matter of international record. The individual reports are releasable under the Freedom of Information Act. However, confidentiality of the data supplied under this collection of information has not been identified as an issue by either Native American Whaling Commission.

The AEWCC provides NOAA with the names of the whaling captains and the approximate location of strikes. Because the ice conditions vary each year and the migration patterns are unpredictable, releasing information on location of strikes does not give away any secrets about good places to find whales.

The Makah hunt is watched closely by the public. The location of each strike is well known, whether or not it is provided to the Government through this collection of information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private:

There are no questions of a sensitive nature required by these regulations.

12. Provide and estimate in hours of the burden of the collection of information:

The time for each individual report was estimated as follows: It takes about 5 minutes to measure a whale. Determining sex is a matter of visual inspection and takes one minute. Determining the size and sex of a fetus takes less time, since measuring the smaller animal is quicker. It takes about two minutes to write down an approximate location, to the level of detail provided by the Native American Whaling Commission. It takes about 10 minutes to call the Commission to report the catch. If a whale is struck but not landed, a description of the circumstances is required. This might take 15 minutes, plus the 10 minutes to call in the report, but there would be no requirements for measurements. An estimate of 0.5 hours per whale struck is, therefore, judged to be a conservative estimate of how long it should take to report a whale. The same estimate applies to "stinker" reports. For reasons that can be imagined, "stinkers" are rarely landed. In most years there are no "stinker" reports.

There are approximately 50 whaling captains. However, many of them do not strike or land a whale in a given year. The current maximum number of bowhead whales allowed to be struck by Alaska Eskimos is 75. In addition the Makah Tribe may take up to 5 gray whales per year. The total number of whales struck each year should be at most 80, and, in practice is less than that number in most years. In addition, each Native American Whaling Commission is responsible for reporting at the end of each season and occasionally during each season. Therefore the maximum number of responses is expected to be 80.

There are no specific forms required for the submission of information by the whaling captains, nor is there a specific form for the Native American Whaling Commissions to report to NOAA. The current format of the reports was developed by each Commission.

The AEWC must compile the captains' reports and submit them to NOAA. It is estimated to take about 5 minutes to type in each whale report. Faxing the information to NOAA is estimated to take 5 minutes four times a year (the AEWC often submits reports weekly during the season, but only one report is required). The total amount of time required for AEWC reporting is judged, therefore, to be about 5 hours per year. The Makah Tribe has just recently resumed whaling. Reports may take somewhat longer per whale at first because there may be a learning curve for the reporting requirement. However, after the first few whales, the time requirement is expected to be the same as for the AEWC--approximately 5 hours per year.

The summary of the burden is:

50 captains (maximum) make a total of an average of 78 responses/yr x .5 hrs/response = 39 hours

2 Commissions make a minimum of 2 total responses x 5 hrs/annual response = 10 hours

Total = 52 respondents, approximately 80 responses, and 49 hours.

13. Provide an estimate of the total annual cost burden to the respondents:

Annual costs to the respondents is practically zero. The whalers can call in their reports to the AEWC, so there is a telephone cost. The AEWC has a computer for other reasons and likewise has a fax machine and telephones for general activities. The only costs would be telephone calls and the cost of the fax reports. The set up for the Makah Tribal Council is similar. Total costs are estimated at \$100 or less.

14. Provide estimates of annualized cost to the Federal Government:

The annualized costs to the U.S. Government is calculated as follows:

Weekly reports (if submitted) filed: .3 hours X 20 weeks

Compilation of reports for submission to IWC: 2 hours



Total time: 9 hours @ \$20/hour = \$180.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of OMB 83-I:

There are no program changes expected.

16. For collections whose results will be published, outline the plans for tabulation and publication:

The required information will be submitted to the IWC, which publishes a summary of the report each year in its Annual Report. The Annual Report is compiled by the IWC Secretariat staff and is published at the IWC's expense.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate:

The collection is contained only in regulations. Because a form has been determined to be impractical, display of the expiration date is not warranted.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I:

No exceptions have been identified.

## **Section B. Collections of Information Employing Statistical Methods**

The information collected is used to determine when a small quota of whales has been reached. The number of whales needs to be determined exactly, so that the quota is not exceeded and so that the full quota is available for subsistence use. Because of the small number of whales allowed to be struck, a complete count is feasible and accurate. Statistical sampling would be inaccurate and either lead to exceeding the quota or under-utilization of the quota. Therefore, this section is not relevant to the proposed regulations.